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09/759,428	01/12/2001	Mitchell R. Frank	10004553-1	9973

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80627-2400

EXAMINER

LAFORGIA, CHRISTIAN A

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/759,428
Filing Date: January 12, 2001
Appellant(s): FRANK ET AL.

Jon E. Holland (Reg. No. 41,077)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10 July 2006 appealing from the Office action mailed 04 April 2006.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6.339.826	HAYES	01-2002
6,009,475	SHRADER	12-1999
5,720,033	DEO	02-1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-15 and 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes in view of Shrader.

As per claims 1, 8, 9, and 23, Hayes teaches a computer system, comprising:
memory (Fig 2, element 212); and
a security application configured to display a list of security rules for locking down resources of said computer system (col. 19, lines 50-55), said security application configured to enable a set of said security rules, based on inputs from a user (Fig 17), and to cause said computer system to enforce said enabled set of security rules by modifying a machine state of said computer system (col. 20, lines 1-5), said information based on data stored in said memory (col. 17, lines 60-64).

Hayes does not disclose said security application further configured to enable said user to select one of said Security rules and to display information describing said selected rule in response to a selection of said one rule by said user.

Shrader teaches said security application further configured to enable said user to select one of said security rules and to display information describing said selected rule in response to a selection of said one rule by said user (column 5, line 38 to column 6, line 34, column 8, lines 5-18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made for the security application to be configured to enable said user to select one of said security rules and to display information describing said selected rule in response to a selection

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of said one rule by said user, since Shrader states at column 1, line 6 to column 2, line 2 that such a modification would be an improvement to the user interface, thereby making the interface user friendly by preventing an administrator from writing information down from a plurality of screens.

Regarding claims 2 and 10, Hayes teaches said security application is configured to display said information immediately in response to said selection (col. 17, lines 65-66).

Regarding claims 3 and 11, Hayes teaches said security application is configured to display said list within a window (Fig 17), said window including a plurality of selectable icons (icon besides "Members, Subgroups and Applet Permission", in Fig 17), said security application further configured to display different sets of information describing said selected rule in response to selections of different ones of said icons (Fig 17, right side of menu).

Regarding claims 4, 12, and 26, Hayes teaches said security application is configured to display a main window (Fig 17), said security application further configured to display rules of said list in a first sub-window (window of Members) of said main window and to display said information describing said selected rule in a second sub-window of said main window (window of Applet Permission).

With regards to claims 5, 13, and 27, Hayes teaches said security application is configured to categorize said list of rules (col. 19, lines 55-67), said security application further

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configured to display categories of said rules in a third sub-window of said main window (Applet Permission of Fig 17).

Concerning claims 6 and 14, Hayes teaches said security application is configured to enable said user to select one of said categories and is configured to display, in said first sub-window, rules of said list that are associated with one of said categories presently selected by said user (col. 19, line 50 col. 20, line 17).

Concerning claims 7, 15, and 25, Hayes teaches said main window includes a plurality of selectable icons (icon besides "Members, Subgroups and Applet Permission", in Fig 17), said security application further configured to display in said second sub-window different sets of information describing said selected rule in response to selections of different ones of said icons (window of Applet Permission).

Concerning claims 24 and 28, Schrader teaches wherein said information comprises help information for informing said user of an operational ramification to said system of enabling said one rule (column 5, line 38 to column 6, line 34, column 8, lines 5-18).

Concerning claim 25, Shrader wherein said security application is configured to display a plurality of selectable icons simultaneously with said information, said security application further configured to display new information describing said one rule based on said selection of

said one rule and in response to a selection of one of said icons by said user (column 9, lines 54-63).

Claims 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes in view of Shrader, and further in view of Deo.

Regarding claims 16 and 17, Hayes and Shrader do not teach wherein said selecting is performed while said list of security rules, including said one security rule, is being displayed via said displaying a list of security rules.

Deo discloses wherein said selecting is performed while said list of security rules, including said one security rule, is being displayed via said displaying a list of security rules (Figure 1 [block 14]; column 8, lines 3-19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made for the selecting to be performed while said list of security rules, including said one security rule, is being displayed via said displaying a list of security rules, since Deo states at column 8, lines 3-19 that such a modification would allow a user to add, edit and change rules as they applied to various applications.

With regards to claims 18, 21, and 22, Shrader teaches said displaying said information describing said selected rule in a second sub-window are performed simultaneously (column 9, lines 54-63).

Hayes and Shrader do not teach wherein said displaying rules of said list in a first sub-window.

Deo teaches wherein said displaying rules of said list in a first sub-window (Figure 1 [block 14]; column 8, lines 3-19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to display the list of rules in a separate window, since Deo states at column 8, lines 3-19 that such a modification would allow a user to add, edit and change rules as they applied to various applications.

Regarding claims 19 and 20, Hayes and Shrader do not teach wherein said selection of said one rule occurs while said one rule is being displayed to said user.

Deo discloses wherein said selection of said one rule occurs while said one rule is being displayed to said user (column 7, lines 54-60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made for the selection of said one rule to occur while said one rule was being displayed to said user, since Deo states at column 8, lines 3-19 that such a modification would allow a user to apply the appropriate rule to the appropriate application, i.e. financial or personnel records.

(10) Response to Argument

In response to the Appellant's arguments regarding claims 1, 2, 5, 6, 8, 19, 20, and 28 that *Shrader* fails to suggest the selection of a security rule by a user, the Examiner disagrees. It must be established that *Shrader* discloses security rules before there can be a selection of said rules. *Shrader* establishes at column 1, lines 11-33 that the present invention relates to security systems, and in particular the rules for filtering information passing through a firewall. The *Shrader* reference refers to these security rules as IP filtering rules throughout the disclosure of

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said patent. Regarding the selection of a security rule, or IP filtering rule, the Examiner refers to column 5, lines 34-38 and column 6, lines 31-39 of *Shrader*, which disclose the administrator selecting an IP filter rule.

Therefore, *Shrader* discloses the selection of a security rule by a user and the rejection should be upheld.

In response to the Appellant's arguments that *Shrader* does not disclose displaying information describing the selected rule in response to a selection of said one rule from said displayed list by said user, the Examiner disagrees. *Shrader* discloses graphically or textually displaying information related to statistics initiated by the display pane. The display pane includes a complete list of IP filter rules. *Shrader*, column 5, lines 55-67. *Shrader* also supports this at column 6, lines 52-55 stating that the ticker tape pane displays statistical information about the filter rules. The invention of *Shrader* could only work by displaying information about a specific rule in response to a selection of that rule, because it would serve no benefit to select a rule and have the information about a different rule presented to the administrator.

Therefore, *Shrader* teaches displaying information describing the selected rule in response to a selection of said one from said displayed list by said user, and the rejection should be maintained.

In response to Appellant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071,

5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the references themselves provide a teaching, suggestion, and motivation for the combination as seen in the previous Office Action, and repeated again above. Shrader provides motivation at column 1, line 6 to column 2, line 2 in stating that such a modification would be an improvement to the user interface, thereby making the interface user friendly by preventing an administrator from writing information down from a plurality of screens. Furthermore, both *Hayes* and *Shrader* are analogous art in the fact that they both provide an interface for an administrator to manage rules that dictate a user's permissions.

In response to Appellant's argument that there is nothing to indicate that there is no apparent disadvantage in a particular prior art reference, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In response to Appellant's arguments against the references individually with regards to claims 3 and 7, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The Examiner agrees with the Appellant's argument that *Hayes* does not disclose displaying information describing a security rule and would like to make clear for the record that the

Examiner used *Shrader* to teach displaying information describing a security rule as argued above, as well as presented in the rejection also above.

Appellant's arguments regarding the rejections of claims 9-11 and 13-17 found on page 13 of the Appeal Brief fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. The Applicant fails to address the references and rehashes the previous argument above that the combination of *Hayes* and *Shrader* fails to disclose selecting one of said security rules from the displayed list and displaying information describing said selected rule in response to the said selecting. As discussed above, column 5, lines 34-38 and column 6, lines 31-39 of *Shrader* disclose the administrator selecting an IP filter rule and column 5, lines 55-67 and column 6, lines 52-55 disclose displaying information describing said selected rule in response to the said selecting.

In response to Appellant's argument regarding claims 4 and 12 that the combination of references fail to show certain features of Appellant's invention, it is noted that the features upon which Appellant relies, such as the first sub-window and the second sub-window being different windows within the same main window, are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The Examiner has construed the two different sub-windows to be two sets of information displayed in the same window within the main window as presented by *Hayes*. As the Appellant presents the sub-windows in the Brief, the Examiner contends that *Shrader* provides different first and second

sub-windows presented simultaneously in the same main window in at least Figures 4, 5, and 6, as well as described as the several panes discussed in columns 5 and 6.

In response to the Appellant's arguments regarding claims 18, 21, and 22 that *Hayes* does not teach wherein the security application is configured to simultaneously display said first and second sub-windows, the Examiner agrees and would like to clarify that *Shrader* was used to reject the argued section of claim 22. As discussed above, *Shrader* provides different first and second sub-windows presented simultaneously in the same main window in at least Figures 4, 5, and 6, as well as described as the several panes discussed in columns 5 and 6, as well as the cited section of column 9.

Appellant's arguments regarding the rejection of claim 23 fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. The Applicant fails to address the references and rehashes the previous argument above that the combination of *Hays* and *Shrader* fails to disclose logic for selecting one of said security rules from the displayed list and logic for displaying information describing said selected rule in response to the said selecting. As discussed above, column 5, lines 34-38 and column 6, lines 31-39 of *Shrader* disclose the administrator selecting an IP filter rule and column 5, lines 55-67 and column 6, lines 52-55 disclose displaying information describing said selected rule in response to the said selecting.

Applicant's arguments regarding the rejection of claims 24-27 fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably

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distinguishes them from the references. The Applicant fails to address how the claim language of claims 24-27 are different from the cited references and merely alleges the patentability of claims 24-27 due to their dependency on previously, unpersuasively argued claims.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Christian LaForgia
Patent Examiner
Art Unit 2131



Conferees:

Christopher Revak
Primary Patent Examiner
Art Unit 2131

CHRISTOPHER REVAK
PRIMARY EXAMINER



Tod Swann
TC 2100

TQAS

